

**IN THE UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

<p>THOMAS F. FRIEDBERG & SARAH L. BUNGE,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>DAYBREAK, INC. dba HUBER & ASSOCIATES,</p> <p style="text-align: center;">Defendant.</p>	<p>CIVIL ACTION NO. 3:19-cv-0053</p>
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DEFENDANT’S MOTION TO EXTEND THE FACT DISCOVERY DEADLINE

COMES NOW the Defendant, DAYBREAK, INC., dba HUBER & ASSOCIATES, by and through its undersigned counsel, and hereby moves to extend the Fact Discovery Deadline and in support states as follows:

1. Plaintiffs brought this action for alleged damages they sustained when Plaintiffs claim a roof failed during Hurricane Irma due to a construction defect.
2. Defendants specifically requested information on possible insurance payments and other collateral source payments for the damages they are claiming they sustained.
3. Plaintiffs stated in their response to interrogatories that they had none as to the claims related to Hurricane Irma. *See Exhibit “A,” Answers to Interrogatories.*

Plaintiffs did disclose their insurer at the time Defendant performed the work which would have been more than 7 years prior to the storm.

4. During his deposition, Thomas Friedberg admitted that he had insurance and that he entered into a settlement with the insurance company. *See* Exhibit “B,” *Deposition of Thomas Friedberg*, Page 84, Line 6 to Page 86, Line 4.

5. During his deposition, Thomas Friedberg named the wrong insurance company that he had filed suit against claiming he had a claim with Lloyds of London, an underwriter for insurance, when his insurance company was Island Heritage Insurance Company. *See* Exhibit “C,” *Complaint, Thomas Friedberg and Sarah Bunge v. Island Heritage Insurance Company, LTD. U.S. V.I Superior Court Case No. 0000489*. Island Heritage Insurance Company does not state on its website any affiliation with Lloyds of London. *See* <https://islandheritageinsurance.com> (Last accessed 5/12/2025).

6. Plaintiffs have failed during the pendency of this case to provide any documents regarding insurance claims, engineering reports, and other related issues in this case pursuant to Fed. R. Civ. P. 16. In their responses, Plaintiffs claimed to have provided some of those documents in a previous case, but current counsel does not have those documents.

7. Defendant is seeking to extend the Fact Discovery Deadline from May 7, 2025 to July 7, 2025 to allow Defendant to subpoena the records regarding Plaintiffs’ insurance policies and reimbursements for damages that Plaintiff should have disclosed as part of their ongoing obligation.

8. Defendant believes it has good cause as required by Fed. R. Civ. P. 16(b)(4) to extend the deadlines due to Plaintiffs failure to disclose his insurance policies for the property and by failing to update their Disclosures after the deposition of Thomas Friedberg.

9. This extension will not affect any other deadlines outlined in this Court's Scheduling Order and it is not meant to delay this case going to trial.

10. Defendant requests oral argument on this Motion as soon as practicable.

WHEREFORE, the Defendant, DAYBREAK, INC., dba HUBER & ASSOCIATES, respectfully requests this Court to enter an order granting oral argument on this Motion, to enter an order granting its motion to extend the fact discovery deadline to July 7, 2025, and for any other relief this Court deems just and proper.

CERTIFICATION OF CONFERRAL

I hereby certify that I spoke with opposing counsel on May 26, 2025 for approximately ten (10) minutes regarding this motion and that opposing counsel is not in agreement with resolution of any part of the motion.

Date: May 27, 2025

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on May 27, 2025, we electronically served the foregoing document via CM/ECF system to the parties listed below:

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